THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

LOCATION BASED SERVICES, LLC

Plaintiff,

v.

TRIMBLE INC.,

Defendant.

Civil Action No. 2:17-cv-410

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement in which Location Based Services, LLC (“Plaintiff”) accuses Trimble Inc. (“Defendant”), of infringing U.S. Patent No. 7,860,648 (the “’648 Patent”), alleging as follows:

PARTIES

1. Plaintiff Location Based Services, LLC is a Texas limited liability company, with a registered agent located at 719 Sawdust Rd., #204, The Woodlands, TX 77380.

2. Upon information and belief, Defendant is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 935 Stewart Drive, Sunnyvale, CA 94085, and an office at 5217 Tennyson Parkway, Ste. 400, Plano, TX 75024. Upon information and belief Defendant can be served through its registered agent: The Corporation Trust Company, Corporation Trust Center, 1209 Orange St., Wilmington, DE, 19801.

JURISDICTION AND VENUE

3. This is an action for infringement of the ’648 Patent arising under 35 U.S.C. §§ 271(a), 281, and 284 - 85. This Court has subject matter jurisdiction over this action under 28 U.S.C. §1331 and §1338(a).

4. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, Defendant has transacted business in this district, and has committed acts of patent infringement in this district.

5. Upon information and belief, Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District; and (iii) having a place of business in this Judicial District at 5217 Tennyson Parkway, Ste. 400, Plano, TX 75024.

U.S. PATENT NO. 7,860,648

6. On December 28, 2010, United States Patent No. 7,860,648 (the "'648 patent") was duly and legally issued by the United States Patent and Trademark Office for an invention entitled "Map Display System and Method." A true and correct copy of the '648 patent is attached hereto as Exhibit A.

7. Edward K. Y. Jung, Royce A. Levien, and Robert W. Lord *et al*., are the inventors of the '648 patent.

8. Plaintiff is the owner by assignment of the '648 Patent with all rights in and to that patent.

9. Upon information and belief, to the extent any marking was required by 35 U.S.C. § 287, Plaintiff has complied with such requirements.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 7,860,648

10. Defendant directly or through intermediaries, makes, uses, offers to sell, or sells software for providing map related data which infringes the '648 Patent, shown in Exhibit A-1.

11. Upon information and belief, Defendant has been and is now infringing claims 9, 10, 13, 14, and 15 of the '648 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, selling, and/or offering for sale map display systems, *i.e.*, Connected Farm (the "Accused Instrumentality"), covered by one or more claims of the '648 Patent to the injury of Plaintiff. Defendant is directly infringing, literally infringing, and/or infringing the '648 Patent under the doctrine of equivalents. Defendant is thus liable for direct infringement of the '648 Patent pursuant to 35 U.S.C. § 271(a).

12. The Accused Instrumentality infringes claim 9 of the '648 Patent. It is a computer program product comprising: a computer-readable medium bearing one or more instructions for transmitting a request for the map including one or more locations, the request including an identifier associated with a user of the display device (*i.e.*, the software transmits a request for map data, the request including the user's account); one or more instructions for receiving the map including one or more locations, at least one location of the one or more locations associated with one or more location interaction rules verifiable via one or more monitoring devices (*e.g.*, it contains instructions for receiving a map with multiple locations such as fields, associated with rules, such as irrigation tracking, rate prescriptions, *etc*.); and one or more instructions for interacting with the one or more monitoring devices to alter the map on the display device as a function of the one or more location interaction rules (*e.g.*, it contains instructions for interacting

with monitoring devices such as Bee Pivot rain gages to alter the map display as a function of interaction rules, such as rain fall amounts). *See* Ex. A-1, Figs. 1-5.

13. The Accused Instrumentality infringes claim 10 of the ’648 Patent. It is contained on a computer readable medium in the form of device memory (*e.g.* it is computer software contained on a recordable medium such as a hard disk drive). *See* Ex. A-1, Figs. 1-6.

14. The Accused Instrumentality infringes claim 13 of the ’648 Patent. It contains one or more instructions for transmitting a request for the map including one or more locations, the request including an identifier associated with a user of the display device; and it includes one or more instructions for wirelessly transmitting the request to a server over a wireless network (*e.g.*, it includes software for transmitting the request over a wireless network such as a 802.11 network or cellular network). *See* Ex. A-1, Figs. 1-7.

15. The Accused Instrumentality infringes claim 14 of the ’648 Patent. It contains one or more instructions for wirelessly transmitting the request to a server over a wireless network; and it includes one or more instructions for transmitting via at least one of a wireless LAN (WLAN), an IEEE 802 type wireless network, a Bluetooth type wireless network, and/or a satellite network (*e.g.*, it contains instructions for transmitting the request over a wireless network such as an 802.11 network). *See* Ex. A-1, Figs. 1-7.

16. The Accused Instrumentality infringes claim 15 of the ’648 Patent. It contains one or more instructions for receiving the map including one or more locations, at least one location of the one or more locations associated with one or more location interaction rules verifiable via one or more monitoring devices and it includes one or more instructions for receiving an indication shown on the map related to whether one or more user interaction rules associated with the identifier affect the map (*e.g.*, it contains instructions receiving an indication along with the map

relating to whether a user interaction rule is met, such as rainfall amounts or precision prescriptions). *See* Ex. A-1, Figs. 1-6.

17. As a result of Defendant's direct infringement of the '648 Patent, Plaintiff has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court, and Plaintiff will continue to suffer damages in the future unless Defendant's infringing activities are enjoined by this Court.

18. Unless a permanent injunction is issued enjoining Defendant and its agents, servants, employees, representatives, affiliates, and all others acting on in active concert therewith from infringing the '648 Patent, Plaintiff will be greatly and irreparably harmed.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter:

1. A judgment in favor of Plaintiff that Defendant has infringed the '648 Patent;

2. a permanent injunction enjoining Defendant and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringement, inducing the infringement of, or contributing to the infringement of the '648 Patent, or such other equitable relief the Court determines is warranted;

3. a judgment and order requiring Defendant pay to Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for Defendant's infringement of the '648 Patent as provided under 35 U.S.C. § 284, and an accounting of ongoing post-judgment infringement; and

4. any and all other relief, at law or equity, to which Plaintiff may show itself to be entitled.

DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

DATED May 9, 2017.

Respectfully submitted,

By: */s/ Hao Ni*

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